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IN THE UNITED STATES FEDERAL  
District Court For Middle District  
P.O. Box 711, Montgomery, AL.

2006 JUN 20 A 10: 01

DEBRA P. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

36138

CV. 3:06CV547-MHT

EXHIBIT  
"A"

TERRY LEON CARR #142607  
Petitioner

VS

State of Alabama  
Respondents

PETITIONER TRAVERSE IN Support of His  
Habeas Corpus Petition Pursuant 28 U.S.C.  
2254, frcp 8(2)(2) ON Ments, frcp 56(e)

Affidavit

I.

THE PETITIONER IS OVER THE AGE OF TWENTY-ONE  
AND COMPETENT TO TESTIFY BY HIS WRIT  
AD TESTICUM TO HIS 2254, GENUINE ISSUES

I.

WHETHER THE TRIAL COURT FOR THE LEE COUNTY  
JURISDICTION, SHOULD HAVE KNOWNED THEY WERE  
NOT ALLOWED TO USE A BATON VS. KENTUCKY  
JURY VOIRED, AND FAILURE TO GIVE THE  
INSTRUCTION BY SAME JURY TRIAL, VIOLATED PETITIONER  
RIGHTS.

# TABLE of Citations

Page(s)

PRESIER V. RODRIGUEZ, 411 U.S. 448-487 (28 U.S.C.  
2254 - - - - - 1, 2

## I.

WHETHER HABEAS CORPUS  
IS AVAILABLE TO EFFECT  
DISCHARGE FROM ANY  
CONFINEMENT CONTRARY TO  
THE CONSTITUTIONS OF  
FUNDAMENTAL LAW, EVEN  
THOUGH IMPOSED PURSANT  
TO CONVICTION BY A COURT  
OF COMPETENT JURISDICTION

## Alabama Code 1975

Title 13A-6-4, Code 1975 - - - - - 2,

## II.

THE RELEVANT INQUIRY WAS  
CONFINED TO DETERMINING  
SIMPLY WHETHER OR NOT THE  
COMMITTING COURT HAD JURIS-  
DICTION?

EX PARTE KEARNEY, 7 WHEAT 38, 5 L. ED 391 (1822)

- - - - - 2,

EX PARTE WATKINS, 3 PET 193, 7 L. ED 650 (1830)

- - - - - 2,

### Statement of Case

OVER THE YEARS, the writ of HABEAS CORPUS EVOLVED AS A REMEDY AVAILABLE TO EFFECT-DISCHARGE FROM ANY CONFINEMENT, CONTRARY TO THE CONSTITUTIONS, OR FUNDAMENTAL LAW, EVEN THOUGH IMPOSED, PURSUANT TO CONVICTION BY A COURT OF COMPETENT JURISDICTION

### III

WHETHER ANY BATSON JURY SITTING UNCONSTITUTIONAL, HAD ANY AUTHORITY TO RENDER ANY VERDICT?

JURISDICTION:  
28 U.S.C. 2254

GIVE THE UNITED STATES FEDERAL COURTS WIDE JURISDICTION I.E. TO FASHION [A] REMEDY AVAILABLE TO EFFECT DISCHARGE FROM ANY CONFINEMENT,

see, EX PARTE KEARNEY 38, 5 L. Ed 391 (1822)

EX PARTE WATKINS, 3 Pet 193, 7 L. Ed 650 (1830) OVER THE YEARS, the writ of HABEAS CORPUS EVOLVED AS A REMEDY AVAILABLE TO EFFECT DISCHARGE FROM ANY CONFINEMENT

see Attached.

Statement of Facts

Count ONE: CC-85-745

The Grand Jury of said County of Lee, Charge that before the finding of this Indictment, E.g. Terry Leon Carr, Alias Terry Leon Carr, whose True Christian Name is otherwise unknowned to the Grand Jury, did Intentionally Cause the death of Another Person, 13A-6-4 (2) Having BEEN Identified AS George William Woods, CountONE By Stabbing Him with A Knife, IN Instructional Violation 13A-6-2

Count Two: CC-85-745

The Grand Jury sitting in Violation of Batson By the Jury Being All White, Charge that Before the finding of this Indictment, Terry Leon Carr, Alias Terry Leon Carr, whose True Christian Name is otherwise unknowned to the Grand Jury, did Intentionally Cause the Death of Another Person, B/M Deceast Identified AS George William Woods By Stabbing Him with A Knife, IN Violation At All Elements 13A-6-3, Code 1975

### Count THREE CC-85-745

#### III.

The Grand Jury of said County (Lee) charged that before the finding of this indictment A.K.A. Terry LEON CARR, Alias Terry LEON CARR, whose true Christian name is otherwise unknown to the Grand Jury, did intentionally cause the death of another person, identified as George William Woods, by stabbing him with a knife, in violation 13A-6-4 (c) Code of Alabama 1975

#### Authorities

Chavers v. State, 361 So. 2d 1106 through 1107  
Contents when a person is charged with murder, the trial judge must instruct on all the elements of murder, 13A-6-2, 13A-1-9(a)  
 13A-6-3, 13A-6-4 (c) and the failure to do so, Rechts for Reversal, 28 U.S.C. 2254

#### Facts

The accused, must know without a reasonable doubt what he is called upon to defend against, whether Involuntary Manslaughter? Is [A] felony? At, 13A-6-4 (a)(c). Const Amendment 6th.

## ISSUES:

### I.

When The Trial Court failure to Instruct ON ALL The Elements of Constitution LESSER - Degree of CRIMINALLY Negligent Homicide, did The Trial Court ERROR, BY THEIR Batson ERROR Additional to Instruct on ALL The Elements of Involuntary man slaughter ?

Info: See *Chavers v. State* 361 So.2d 1106-1107  
*Ex parte Chaver v. State* Additional  
 RE: E.g.

### II.

When A Convicted Defendant failed to file an appeal due to the court Beening in receipt of Losing the Batson Jury Voired Transcript, whether Same made any APPEALS, untimely, as Same was Not, the Procedural Default of the Prose Petitioned  
 See *Strickland v. Washington*, 466 US At 668  
 when Counsel IS UNETHICAL BY seeing that AND ALL WHITE JURY were sitting IN - Violation, of Batson, Counsel Should Have moved for mistrial, *Brady v. United States*  
Supra. 47

## ISSUES

### III, IV,

whether the Involuntary manslaughter  
of George William Woods was  
A felony, 28 U.S.C. 2254 U.S.C.A. 6th,  
14th Eg. *Presler v. Rodriguez*, 411 U.S. At 488  
448 at 449 28 U.S.C. 2671 et seq., Title  
15-19-1, Code 1975, the Retroactive  
Issue would suggest, A Baton Jury was  
Empanelled for youthful offender  
By Charge of Involuntary manslaughter  
13A-6-4 (c)

### V.

whether the writ Ad Testicium Is the  
Proper Remedy to Be Invoked for  
Release from Any unconstitutional  
Confinement, 411 U.S. 487 f.r.p. 8(2)(2)

## Certificate of Service

I, Terry Leon Carr #142607 did hereby  
Complete and forward same TRAVERSE  
with this 28 U.S.C. 2254

In the United States Federal Court  
At Their Address P.O. Box 711  
United States Federal Court  
Montgomery, ALABAMA 36130

By Delivering same to Respondents At  
11 Union Street  
Legal Division  
Montgomery, AL. 36130

DONE this June 19<sup>th</sup> day,  
2006, by disposing same  
in United States Mail Postage Paid

Proof of Service:

By Terry Leon Carr #142607  
P.O. Box 5107 Dorm 1-16  
Bullock mental Health fac.,  
Union Springs, AL.  
36089

Cp Respondents:  
Co Petitioner:  
Co U.S. Clerk:  
middle district  
Court